

Department of Early Learning

10.3.1

Complaint Inspection Procedure

INTAKE / INITIAL ACTION

1. Department of Social and Health Services (DSHS) Children's Administration (CA) intake will receive and screen all child abuse and/or neglect (CA/N) allegations and licensing complaints pertaining to licensed and unlicensed child care facilities.
2. CA intake will determine whether the allegation regarding a licensed or unlicensed child care provider rises to the level of CA/N according to Revised Code of Washington (RCW) 26.44 and/or Washington Administrative Code (WAC) 388-15-009.
 - a. A completed referral will be immediately available to licensors through CAMIS or FamLink.
 - b. During after hours, an "on-call" DEL supervisor will be contacted by phone if an allegation presents imminent risk of harm to children.
3. The Department of Early Learning (DEL) licensing staff will determine if complaints "screened in" by CA intake allege licensing violations of Washington Administrative Code (WAC) 170-151, 170-295 and 170-296.
 - a. All complaints that do not meet these criteria will be reviewed by the DEL supervisor and if the complaint does not involve a licensing WAC violation, it will be "screened out" in CAMIS/FAMLINK.
 - b. The DEL supervisor will also review the referral to determine if it is a "licensing only" allegation or the complaint should be re-screened by the Division of Licensed Resources/Child Protection Services (DLR/CPS) supervisor for CA/N.
4. If a CA/N or licensing complaint is received by DEL instead of CA intake, DEL will ask the referrer to call CA intake to make a report. DEL requires a provider who "self-reports" a licensing violation or child injury to call CA intake. DEL staff will confirm with CA intake within four (4) hours to ensure the referrer or provider made contact. If the referrer or provider did not make contact, DEL staff will provide CA intake (1-866-END-HARM) with pertinent information.
5. When a DEL licensor receives notice through CA Intake (or through step 4, above) of an allegation of a sexual misconduct or abuse by a child care staff person, s/he will inform DLR/CPS that DEL is required by law to notify the parents or guardians of the alleged child victim. This notification (in person or by phone) must happen within 48 hours, in accordance with RCW 43.215.120. The licensor will document the notification in CAMIS/FAMLINK within two (2) working days.
6. The DEL licensor will insert a "do not refer" flag in the CAMIS/FAMLINK within 24 hours notice of a DLR/CPS complaint. The DEL licensor will remove the "do not refer" flag within 24 hours of an unfounded or inconclusive DLR/CPS finding, or when directed to do so by a DEL licensing supervisor.
7. The licensor will consult with his/her supervisor before inserting a "do not refer" flag in CAMIS/FAMLINK for "licensing only" violations. A "do not refer" flag must be removed within 24 hours of DEL confirmation that the licensing issues related to the referral have been resolved, or as directed by the DEL licensing supervisor.

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8. The DEL licensor must enter the complaint issues into CAMIS prior to beginning the inspection of a complaint.

DEL COMPLAINT INSPECTION

9. DEL licensing staff will inspect a child care facility when a complaint is filed that alleges potential licensing violations of WAC 170-151, 170-295 and 170-296.
10. Licensing complaints require an on-site visit by the DEL licensor, except in the case of duplicate complaints of the same incident. The DEL supervisor must approve any decision not to make an on-site visit in order to determine the outcome of a complaint. This decision must be documented in CAMIS/FAMLINK.
11. A DEL supervisor may “screen out” complaints that do not allege licensing WAC violations. The licensor will not inspect a child care facility when a complaint is “screened out” by a DEL supervisor.
12. The licensor must initiate a complaint inspection within one (1) working day of the date the referral was received. A DEL licensor must receive supervisor approval if s/he must initiate a complaint inspection more than one (1) working day after receipt.
13. The licensor must document in a Service Episode Record (SER) all office related activities in regards to the complaint inspection within five (5) working days. These activities include, but are not limited to, phone calls, supervisor case staffing or decision points, file reviews, etc. A licensor must document in a SER all complaint inspection field activity within five (5) working days.
14. The licensor will conduct the following pre-inspection activities:
 - a. Review referral information and the facility’s CAMIS/FAMLINK files for complaint history.
 - b. Contact the referrer and other appropriate collateral contacts (such as DLR/CPS, former licensors, the food program etc) for more information, as appropriate.
 - c. Identify areas that need to be observed and create a list of individuals who need to be interviewed.
 - d. Document all information in a SER.
15. The licensor will conduct an unannounced visit to a child care facility to inform the provider about the allegation and inspect the licensing complaint. The licensor will:
 - a. Inspect issues related to the complaint by observing the physical surroundings and the operation of the child care facility.
 - b. Review relevant on-site documentation.
 - c. Document all information in a SER upon returning to the office, and within five (5) working days.
16. The licensor will provide the child care provider with information about what to expect during a complaint inspection and the anticipated timeframes.

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17. The licensor will interview staff, parents and other relevant collateral contacts as necessary. This information must be documented in the SER. The licensor will only interview children when:
 - a. Parent or legal guardian gives written permission.
 - b. Participating in an interview with a DLR/CPS investigator, during the course of a DLR/CPS investigation.
18. Throughout the process, the licensor will consult with his/her supervisor if a summary suspension is deemed necessary to protect the health, safety and welfare of children. A DEL licensor will only proceed with a summary suspension if approved by his/her Service Area Manager (see Licensing Summary Suspension Policy and Procedure 10.2.2).
19. During the licensing inspection, the licensor will list the WAC violations on the DEL Compliance Agreement form. Additional compliance agreement issues not related to the original complaint must be documented on a **separate** Compliance Agreement form. The licensee will provide a written description of how s/he will come into compliance with each deficiency. In collaboration with the provider, the licensor will set a completion date to correct each of the WAC violations. The provider will be given a copy of the Compliance Agreement. The licensor will record the WAC deficiencies in CAMIS/FAMLINK. (See Compliance Agreement Policy and Procedures 10.1.3).
20. Prior to closing a complaint the licensor will:
 - a. Meet with the supervisor to review complaint findings.
 - b. Record complaint findings into CAMIS/FAMLINK and inform the provider, in writing, of the complaint finding determination within five working days.
 - c. If a complaint is valid, meet with the supervisor to review the compliance agreement related to valid complaint findings and ensure quality for scanning into LCCIS system. Follow the protocol to scan these compliance agreements into the LCCIS system.
21. The licensor will monitor the Compliance Agreement plan. The licensor will make unannounced site visits to the child care facility until the valid complaint issues are resolved. The licensor will document these site visits and progress in CAMIS/FAMLINK.
22. If the Compliance Agreement is not successfully completed within the agreed upon time frame, the licensor may initiate other negative licensing actions such as civil penalties, probationary license, imposing a license modification, denial, suspension or revocation. The licensor must consult with his/her supervisor to determine next steps and the decision must be documented in CAMIS/FAMLINK.
23. A licensing complaint must be inspected and closed within forty-five (45) days. Any extension beyond this timeframe must be approved by the supervisor. The approval and explanation must be documented by the supervisor, and must be included in the provider's file in CAMIS/FAMLINK.
24. The DEL licensor will communicate with the local Child Care Resource and Referral Network (R & R) and Community Support Office (CSO) within one (1) working day

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when a “do not refer” flag is instituted or removed from CAMIS/FAMLINK, or when a complaint allegation leads to summary suspension or revocation.

25. The complaint process must be completed prior to release of information for public disclosure purposes.

JOINT COMPLAINT INSPECTION AND DLR/CPS INVESTIGATION

26. DLR/CPS will investigate all child abuse and neglect referrals. The DEL licensor and DLR/CPS investigator should conduct joint child care facility complaint investigations/inspections concurrently whenever possible. (See Service Level Agreement (Attachment O0661-00228) between DEL and DSHS).
27. DLR/CPS will keep the DEL supervisor or DEL Assistant Service Area Manager (ASAM) or Service Area Manager (SAM), informed in person or by phone if an allegation presents imminent risk of harm to children.
28. DEL will summarily suspend a license when an allegation presents imminent risk of harm to children. A Compliance Safety Plan may be used in lieu of summary suspension when children’s safety can be reasonably guaranteed. Both these actions must be reviewed by the DEL supervisor and approved by the Service Area Manager (SAM) or designee. (See Compliance Safety Plan Policy and Procedure 10.3.2).
29. The DEL supervisor will immediately notify the DLR/CPS supervisor (or DLR Area Manager, if the supervisor is unavailable), in person or by phone, if DEL takes licensing action.
30. DLR/CPS investigators will lead investigations of child abuse and neglect and will conduct child victim interviews.
31. DLR/CPS investigators and DEL licensors will arrange for an agreed upon time to conduct a joint investigation/ inspection. If a child care child, provider, provider’s family, or alleged perpetrator is being interviewed, the DLR/CPS investigator will contact the DEL licensor regarding the interview schedule within one working day.
32. The DEL licensor will restrict Service Episode Record (SER) notes to the licensing inspection or licensing information from interviews in which DEL participated. The DEL licensor will not document or provide any information (verbal or written) about possible findings on the DLR/CPS investigation prior to the case closure by DLR/CPS.

Definitions

CA Intake: All licensing and DLR/CPS complaints are processed through Children’s Administration (CA) Intake. A CA social worker or unit of social workers responsible for receiving and documenting allegations of child abuse or neglect, licensing WAC violations, or requests for services.

Child Abuse and/or Neglect (CA/N): The injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under any circumstances indicating the child’s

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health, welfare and safety harmed thereby (WAC 170-295-0010). "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section (RCW 26.44 (12)).

Child Care facility: Licensed family child care home, child care center or school-age facility.

DEL inspection: When a complaint is received, DEL licensors have the legal authority to inspect a licensed provider, review the provider's records to ensure the health and safety of children, to determine compliance with DEL child care licensing rules (RCW 43.215.200 (6) and 43.215.240).

DLR/CPS: Division of Licensed Resources/Child Protective Services

DLR/CPS investigation: An inquiry into allegations of child abuse and/or neglect made to CA intake. The investigation determines if a child or children have been abused or neglected and identifies risk factors predictive of future abuse. RCW 74.13, 74.15 and 43.215.240 give DSHS/CA/DLR authority to investigate complaints of child abuse and neglect in child care home and centers.

Findings (licensing):

- **VALID** - based on information available at the licensing inspection, more likely than not, the licensee violated applicable WAC or RCW.
- **INVALID** - based on information available at the licensing inspection, more likely than not, the licensee did not violate applicable WAC or RCW.
- **INCONCLUSIVE** - based on the information available at the licensing inspection, the licensor cannot make a determination that applicable WAC or RCW was violated.

Imminent risk of harm: The significant possibility or likelihood that a child may be seriously physically or emotionally injured in the near future.

Joint investigation/inspection: Concurrent DLR/CPS investigation of CA/N and DEL inspection of licensing issues regarding a DLR/CPS complaint

Licensing violations: Instances where child care providers do not follow specific Washington Administrative Code (WAC).

"Licensing only" complaints: Reports called into CA Intake that does not meet the minimum standard to be "screened in" as CA/N, but allege complaints of WAC violations.

"Self-report": A report called into CA intake by a licensed child care provider reports a licensing violation on their own child care home or center.

SER: Service Episode Record (documentation of actions taken by DEL or DLR/CPS in CA's information management system)